

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Case No. 18 B 32644
)	
CHARLENE MILLER,)	Chapter 13
)	
Debtor.)	Hon. A. Benjamin Goldgar

**NOTICE OF MOTION OF KIA MOTORS FINANCE COMPANY
TO MODIFY AUTOMATIC STAY**

VIA ELECTRONIC NOTICE:

To: Glenn B. Stearns (Trustee)
801 Warrenville Road, Suite 650
Lisle, Illinois 60532

David M. Siegel, Esq. (Debtor's Counsel)
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, Illinois 60090

VIA U.S. MAIL:

To: Charlene Miller (Debtor)
PO Box 492
Gurnee, Illinois 60031

Please take notice that on the 13th day of March, 2020 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable A. Benjamin Goldgar, or any judge sitting in his/her stead, in Courtroom B of the Park City Branch Court, 301 South Greenleaf Avenue, Park City, Illinois, and then and there present the attached ***Motion of Kia Motors Finance Company to Modify Automatic Stay***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby served upon you by electronic notice or U.S. Mail.

Respectfully submitted,

KIA MOTORS FINANCE COMPANY,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Rocio Herrera (Ill. #6303516)
Sorman & Frankel, Ltd.
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
(312) 332-3535 / (312) 332-3545 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 180 North LaSalle Street, Chicago, Illinois on this 26th day of February, 2020, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

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Debtor.)	Hon. A. Benjamin Goldgar

**MOTION OF KIA MOTORS FINANCE COMPANY
TO MODIFY AUTOMATIC STAY**

KIA MOTORS FINANCE COMPANY (“Kia”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2020), and such other Sections and Rules may apply, to enter an Order modifying the automatic stay provided therein. In support thereof, Kia states as follows:

1. On November 21, 2018, Charlene Miller (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. Thereafter, on February 19, 2019, Debtor filed an Amended Chapter 13 Plan, which provides for direct payments from Debtor to Kia on Kia’s secured claim, and which was confirmed on March 22, 2019.

2. Kia is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2018 Kia Sportage motor vehicle bearing a Vehicle Identification Number of KNDPM3AC4J7417160 (the “Vehicle”). (See Ex. “A”).

3. As set forth in the Retail Installment Contract attached as Exhibit “A”, Debtor was required to tender equal monthly payments to Kia, each in the sum of \$550.00 with an interest rate of 10.25%. (See Ex. “A”).

4. Debtor has failed to make required payments to Kia due on and after November 9, 2019, resulting in a current default of \$1,694.39; the next payment of \$550.00 comes due on March 9, 2020.

5. The current total outstanding balance due to Kia from the Debtor for the Vehicle is \$26,182.04.

6. Debtor has failed to provide Kia or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying Kia as the lienholder/loss payee.

7. As such, Kia seeks relief from the automatic stay so that Kia may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtor.

8. Debtor has not offered, and Kia is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

9. Kia will suffer irreparable injury, harm, and damage should it be delayed in taking possession of the Vehicle and foreclosing its security interest therein.

10. Kia requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, Kia Motors Finance Company respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit Kia to take immediate possession of and foreclose its security interest in the 2018 Kia Sportage motor vehicle bearing a Vehicle Identification Number of KNDPM3AC4J7417160; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

KIA MOTORS FINANCE COMPANY,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
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